

REMARKS

1. Priority:

Applicants have amended the specification to claim priority under 35 U.S.C. §§120 and 365(c) in accordance with MPEP §1895. The application claims priority as a continuation-in-part of European Patent Office ("EPO") application Serial No. 99111729.2 filed on June 17, 1999 (the "EPO Application") and Patent Cooperation Treaty ("PCT") application Serial No. PCT/US00/16750 filed June 16, 2000 (the "PCT Application").

Applicants provide proof of copendency with EPO application Serial No. 99111729.2 and PCT application Serial No. PCT/US00/16750 as follows:

Exhibit "A": A certified copy of EPO application Serial No. 99111729.2 bearing a filing date of June 17, 1999.

Exhibit "B": A copy of the published PCT International Application Serial No. PCT/US00/16750, International Publication Number WO 00/78282 A1, bearing an international filing date of June 16, 2000 and claiming priority to EPO application Serial No. 99111729.2. This exhibit can be obtained online from the official WIPO web site at the following URL:

<http://ipdl.wipo.int/cgi-bin/iftch5?ENG+PCT-522000+6+1070606-REVERSE+0+0+166+BASICHTML-ENG+1+1+1+25+SEP-0/HITNUM,B,AN,NULL+16750>

Exhibit "C": A copy of pages 4121 to 4133 of the PCT Gazette dated March 8, 2001 listing all International Applications for which Demands for international preliminary examination were filed prior to expiration of 19 months from the priority date. Page 4133 indicates (exact line is highlighted) that a timely Demand was filed in connection with PCT International Application Serial No. PCT/US00/16750 extending to 30 months from the priority date (or until December 17, 2001) the deadline for filing a U.S. national patent application claiming priority to the PCT application. This exhibit can be obtained online from the official WIPO web site at the following URL:

<http://pctgazette.wipo.int/pdf/102001-2.PDF>

Applicants note that Exhibit "B" indicates that the United States was Designated State in the PCT Application. Exhibit "C" states that in accordance with PCT practice, all eligible States (which include the United States) were elected in the Demand. Applicants further note that the EPO, PCT and instant U.S. national applications have at least one inventor in common.

The documents attached as Exhibits "A", "B" and "C", clearly establish copendency between the EPO and PCT Applications and between the instant and PCT Applications, properly establishing a basis for priority under 35 U.S.C. §§120 and 365(c).

In accordance with MPEP § 1895, Applicants hereby certify that neither PCT Application, nor the designation of the United States, were withdrawn or considered to be withdrawn prior to the filing date of the instant application.

2. Claims Rejected Under 35 U.S.C. §112, Second Paragraph:

Applicants have amended Claims 3 and 4 to include definite ranges for the concentration and size of silver nanoparticles.

Applicants have amended Claim 5 to establish sufficient antecedent basis for the term "organic matrix."

3. New Claims:

Applicant has added new Claims 8-14 which properly claim definite ranges for the concentration and size of silver nanoparticles previously claimed in Claims 3 and 4.

CONCLUSION

Applicants submit that this Amendment and Response, if entered, places the Claims in a condition for allowance and respectfully requests that such action be taken by the Examiner at this time.

Should a telephone conference be necessary to assist the Examiner's evaluation of this application, a telephone call to the undersigned at (305) 448-7089 is respectfully solicited.

Dated: July 10, 2003

By: 

Ury Fischer

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